

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CARL LEBREATH JUSTICE,)

Defendant.)

CASE NO. CR06-67-MJP

DETENTION ORDER

Offense charged:

Possession of Cocaine Base with Intent to Distribute.

Date of Detention Hearing: March 16, 2006

The Court, having conducted a contested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Annette Hayes. The defendant was represented by Michael Filipovic.

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FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) There is probable cause to believe the defendant committed the drug offense. The maximum penalty is in excess of ten years. There is therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).
- (2) Due to the nature of the instant offense, defendant is viewed as a risk of danger to the community. Defendant has an extensive criminal record that includes prior drug convictions. At the time of his arrest, officials recovered crack cocaine, ecstasy and a firearm from the car defendant was entering. The Washington Department of Corrections has corroborated their belief that he is a member of the Black Gangsta Disciple gang.
- (3) Defendant has a history of nonappearance and failure to comply with court orders, pending state charges and a pending probation violation.
- (4) Based upon the foregoing information which is consistent with the recommendation of U.S. Pre-trial Services, it appears that there is no condition or combination of conditions that would reasonably assure future Court appearances and/or the safety of other persons or the community.

It is therefore ORDERED:

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The defendant shall be afforded reasonable opportunity for private

1 consultation with counsel;

- 2 (3) On order of a court of the United States or on request of an attorney for
3 the Government, the person in charge of the corrections facility in which
4 the defendant is confined shall deliver the defendant to a United States
5 Marshal for the purpose of an appearance in connection with a court
6 proceeding; and
7 (4) The clerk shall direct copies of this order to counsel for the United
8 States, to counsel for the defendant, to the United States Marshal, and to
9 the United States Pretrial Services Officer.

10 DATED this 17th day of March, 2006.

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14 MONICA J. BENTON
15 United States Magistrate Judge
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